

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAR 20 1997

Federal Communications Commission
Office of General Counsel

In the Matter of)
)
Closed Captioning and Video Description)
of Video Programming)
)
Implementation of Section 305 of the)
Telecommunications Act of 1996)
)
Video Programming Accessibility)

MM Docket No. 95-176

COMMENTS OF NIEL THOMPSON AND THOMAS D'ANGELO, AT
GALLAUDET UNIVERSITY

We are students at Gallaudet University, and we would like to submit our comments in the above referenced proceeding. We are students in the Captioning: Technology, History, Advocacy, and Research course at Gallaudet University. There are thirteen students in our class. Gallaudet University is the world's only university for deaf and hard of hearing students with 2,500 students. We would like to thank you for issuing the rules on captioning and making this possible. We would also like to thank Chairman Reed Hundt of the Federal Communications Commission for making closed captioning a priority.

We have been watching closed caption programs ever since the first captioned program came out. We find closed captioning programs very important to us. Ever since we have watched captioned programs, we have finally clearly understood the

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shows. Because of this, we gained more knowledge than we ever realized when television was not captioned. We felt more connected to the shows that were captioned compared to than shows that were not captioned. When we were growing up, our parents watched the television show, "M*A*S*H". We had almost no idea what the show was about until it was closed captioned through its re-runs. We never knew the show was about the Korean War and how people's lives were affected during the war. We thought it was just a show about military life. There are also many ways that others benefit from captioned programs. Captioned programs will be beneficial to a variety of people in the United States: Spanish speaking families, slow learning children, or people who are losing hearing later in life.

We would like to comment on the following topics: Transition schedule, Exemption based on economic burden, Exemption based on existing contracts, Quality standards, and the enforcement process.

Transition schedule:

Our understanding is that a network that already captions a high percentage of programming could wait several years before moving ahead. We disagree with the proposal on New Programming in which it is proposed that new programming be closed captioned within eight years. We note there are already a high percentage of captioned broadcast TV shows (from the self-report of networks cited in FCC MM Docket 95-176, August 1996). Therefore, why should we wait eight years to get 100% closed captioning while it can be done within two or three years? For example,

if Network X already has 88% of their programs captioned, according to the proposed rule, it would take eight years for Network X to have their programs 100% captioned; or they could reduce their closed captioned programs to 25% after two years. We are concerned with this proposal because we do not want the providers and producers to decrease their percentage of captioned programs. Instead, we suggest that providers and producers increase their percentage regardless of what they have now. For example, if Network X has 88% of their programs captioned, we suggest that Network X caption 100% of their programs within two years, meaning that it would take only about 6% more captioning each year to complete. If Network Y has 50% of their programs captioned, our suggestion is that Network Y caption 100% their programs within four years, meaning that it would take 12.5% additional each year to reach 100% captioned. This way we won't have to wait eight years for all networks to complete according to the current proposal.

Under Library programming, the FCC states that it "requires that programming providers or owners 'maximize the accessibility' of programming first published or exhibited before the effective date of our rules". We feel that whenever a TV show or movie is being re-broadcast, the providers should be responsible for insuring closed captioning. All providers should be responsible for closed captions on the old videos.

We would like for you to enforce that providers be responsible for captioning of re-broadcast shows and old videos.

Exemption based on economic burden:

In the Exemption based on economic burden section, it states that the Commission does not want to exempt any class of provider since all classes of providers appear to have the technical capability to deliver closed captioning to their viewers intact. We suggest that cable companies should implement a small surcharge on their bill statement and state that the money go to a closed captioning fund for economically burdened channels (such as PEG channels), the same way people pay a surcharge for the telephone relay service. This way it will help the providers to be responsible for captioning of the programs on their cable networks. Cable companies will collect the money from the customers (surcharge on the bill), for this reason, it will help reduce economic burden on these companies.

Exemptions based on existing contracts:

In the exemptions based on existing contracts, it states that the Commission staff "tentatively conclude that programming subject to contracts in effect on the date of enactment of the 1996 Act (i.e., February 8, 1996), that specifically prohibit closed captioning should be exempt from any captioning requirement". If the contracts say that it prohibits closed captioning, then we suggest that the providers should pay for it. We don't think that it is the producer's responsibility to pay for it, the providers who distribute the program should be responsible for captioning. We don't think it would be burdensome for providers to be responsible for captioning the programs.

Quality standards:

Regarding standards for quality in captioning programming, we suggest that you should consider quality as important as 100% closed captioned programs. We are very anxious to see all programs 100 percent closed captioned as soon as possible. We suggest that you should add to your proposal some specific standards for captioning quality and make it a requirement. We feel this is important because this will ensure our full access to closed captioning for everyone. We support the NAD's comments on quality standards and believe that good quality captioning includes verbal information, identification of the speaker, sound effects, background noise, and type of music. For live programming, captioning should be complete and in real-time. Captioning should always maintain accurate spelling which provides the audience with full understanding. We think that placement is equally important because this helps us follow who is speaking. We feel that pre-recorded shows should be synchronized parallel with the soundtrack and audio. If a program has been compressed or edited, captions must be reformatted. On a master tape, there should be some indication that it is closed captioned such as "cc", or the closed caption symbol. There should not be any obstruction to the closed captions when the open character-generated announcements appear. We hope that you understand how important these issues above are, and consider these seriously.

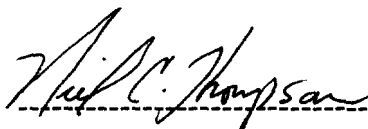
The enforcement process:

Finally, in the enforcement process, you proposed that all complaints should be relied as a primary enforcement mechanism for the rules you adopt. We suggest that the FCC could reduce complaints to the FCC by setting a requirement that all local cable stations set up a hot-line with a live representative present if the customers are having problems with their captions. The complaint process should be taken seriously. This will be a good way for industry to respond to complaints of any kind related to closed captioning. In the past we have had the experience of going through different television stations telling them that we have problems with the captions, and they hardly ever took action about it. We don't think this is appropriate because we are also customers. The local cable companies shouldn't wait until they have a large backlog of complaints, then take action. Once someone complains about something, they should take action right away, to follow up the problems. This allows the company to investigate the appropriate procedure to prevent it from happening again.

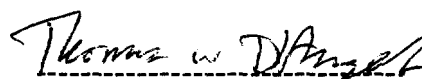
We strongly support the National Association for the Deaf in their reply comments about the quality standards. We noticed that the quality of the closed caption has been declining, we find it very annoying and offensive to our culture because when the people who never saw closed caption before see those poor-quality captions, they might think less of us which it is not our fault! It is the providers' fault for not making sure shows are correctly captioned.

In summary, we agreed that the cable companies should be responsible for providing closed captions, and check everything before broadcasting the program. In the transition schedule, networks should start increasing closed caption now instead of waiting eight years for its completion. Library videos should be captioned each time it is re-broadcast. We suggest that cable companies create a small surcharge on the cable bill to reduce economic burden for local cable channels. Providers should pay for closed captioning if producers' contracts prohibiting captioning. Quality should be as important as 100% closed captioning because without quality, we will once again be left not understanding television.

Respectfully submitted,



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March 12, 1997